HONOURABLE SRI JUSTICE P.S. NARAYANA

WRIT PETITION No.15298 of 2006

Date:24-07-2006

Between:

C. Devi W/o. C. Muni Babu,
aged about 24 years,
R/o. Madibaka village and Gram Panchayath,
Yerpedu Mandal, Chittoor District.

.. Petitioner

AND

The District Collector/
District Election Officer, Chittoor
& two others

.. Respondents

ORDER:

It is stated that caste certificate had already been filed by the petitioner but the Returning Officer colluding with the opposite parties, rejected his nomination.

It is needless to say that it is a question of fact, which cannot be decided, at this stage, by the writ Court.

The writ petition is filed praying for a Writ of *Mandamus* or any other appropriate writ, direction, order or orders declaring the action of respondent Nos.2 and 3 in rejecting the nomination papers on 20-07-2006, which was filed on 17-07-2006 by the petitioner herein with all required documents along with caste certificate on the same day, as wholly arbitrary, illegal and without jurisdiction and void; and consequently direct the respondents to

accept the petitioner's nomination papers filed on 17-07-2006 in respect of the contest of 1st Ward in the Madibaka Grampanchayath, Yerpedu Mandal, Tirupati Sub-Division, Chittoor District, and pass such other and further orders as this Hon'ble Court may deem fit and proper in the circumstances of this case.

The petitioner is having an effective alternative remedy by way of election petition. Liberty is given to the petitioner to approach the appropriate Election Tribunal, if she is so advised.

The Writ Petition is accordingly disposed of. No order as to costs.

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P.S. NARAYANA, J

Date:24-07-2006.

PV